## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA

## **AUGUSTA DIVISION**

AL RICO MAPP,	)	
Plaintiff,	)	
v.	)	CV 114-222
LT. BUSTY, et al.,	)	
Defendants.	)	
	ORDER	

Plaintiff, an inmate incarcerated at Georgia Diagnostic and Classification State Prison in Jackson, Georgia, filed the above-captioned case pursuant to 42 U.S.C. § 1983. On January 9, 2015, the Magistrate Judge issued a Report and Recommendation ("R&R") in which he recommended dismissal of this case without prejudice as sanction for abusing the judicial process by providing dishonest information about his prior filing history. (Doc. no. 14.) The Court also instructed Plaintiff that any objections to the R&R had to be filed no later than January 26, 2015. (Doc. no. 15.) Having received no objections to the R&R by the deadline, the Court adopted the R&R as its opinion on January 30, 2015 and closed the case. (Doc. no. 16.)

On February 9, 2015, the Clerk of Court docketed an undated objection from Plaintiff that had arrived in an envelope post marked January 28, 2015, two days after the deadline for objecting to the R&R. (See doc. no. 18.) Although Plaintiff provides no explanation for the untimeliness of his objection, in an abundance of caution, the Court will address Plaintiff's

objection to the R&R. Thus, the Court **VACATES** the adoption order and judgment entered on January 30, 2015. (Doc. nos. 16, 17.)

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's R&R, to which objections have been filed (doc. no. 18). Plaintiff's objections focus primarily on whether he has accumulated three strikes. However, the Magistrate Judge did not recommend dismissal based on the accumulation of three strikes, but rather on Plaintiff's failure to fully and accurately disclose his prior filing history. (See doc. no. 14.) Nothing in the objections changes the conclusion that Plaintiff was dishonest, under penalty of perjury, about the status and existence of prior cases he filed and in which he participated. Accordingly, the Court ADOPTS the Report and Recommendation of the Magistrate Judge as its opinion, DENIES Plaintiff's second *in forma pauperis* motion as MOOT (doc. no. 13), DISMISSES this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and CLOSES this civil action.

SO ORDERED this day of February, 2015, at Augusta, Georgia.

HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE